

SIMPSON THACHER & BARTLETT LLP
HARRISON J. FRAHN IV (SBN 206822)
HILARY SOLOFF (SBN 314727)
RYAN SNYDER (SBN 334846)
ANNA VEROSS (SBN 342296)
2475 Hanover Street
Palo Alto, California 94304
Telephone: (650) 251-5000
Facsimile: (650) 251-5002
hfrahn@stblaw.com
hilary.soloff@stblaw.com
ryan.snyder@stblaw.com
anna.veross@stblaw.com

NORTHERN CALIFORNIA
INNOCENCE PROJECT
KARYN SINUNU-TOWERY (SBN 121068)
500 El Camino Real
Charney Hall, Suite 108
Santa Clara, California 95053
Telephone: (408) 554-4790
Facsimile: (408) 554-5440
ksinunutowery@scu.edu

Attorneys for Mr. Jeremy Phillip Puckett

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMY PHILLIP PUCKETT,

Plaintiff,

v.

COUNTY OF SACRAMENTO, et al.,

Defendants.

Case No.: 2:22-cv-00350-KJM-DB

**PLAINTIFF JEREMY PUCKETT'S
NOTICE OF MOTION AND
MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
BY DEFENDANTS SACRAMENTO
COUNTY DISTRICT
ATTORNEY'S OFFICE,
SACRAMENTO COUNTY
SHERIFF'S OFFICE, AND
COUNTY OF SACRAMENTO**

Date: September 29, 2023

Time: 10:00 a.m.

Courtroom: 27

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that on September 29, 2023 at 10:00 a.m., in Courtroom 27 of the United States District Court, Eastern District of California, located at 501 I Street, Sacramento, California, 95814, Plaintiff Jeremy Phillip Puckett (“Plaintiff”) will move this Court for an order compelling Defendants Sacramento County District Attorney’s Office, Sacramento County Sheriff’s Office, and County of Sacramento (collectively, the “Entity Defendants”) to produce documents in response to Plaintiff’s First Set of Requests for Production of Documents (“Requests”) served to each Entity Defendant on December 16, 2022. Plaintiff moves to compel the production of documents in response to Requests 5-21 and 24-30 to Defendant County of Sacramento, Requests 5-21, 24-28, and 30-31 to Defendant Sacramento County District Attorney’s Office, and Requests 5-20, 23-27, and 29-30 to Defendant Sacramento County Sheriff’s Office, each of which is listed in Appendix A hereto.

This Motion is made on the grounds that Plaintiff has received *zero* documents from Defendants Sacramento County Sheriff’s Office and County of Sacramento despite multiple meet and confer efforts in the nearly nine months since Plaintiff served the Requests on the Entity Defendants. In this same amount of time, Plaintiff has received only a relatively small set of documents from Defendant Sacramento County District Attorney’s Office consisting of what appears to be Plaintiff’s case file. The Entity Defendants have not notified Plaintiff of any further planned productions. With fact discovery closing November 17, 2023, Plaintiff cannot wait and must move to compel each Entity Defendant to search for and then produce documents in response to Plaintiff’s Requests.

This Motion is based on the pleadings and papers on file in this case, this Notice of Motion and Motion, the Joint Statement Regarding Discovery Disagreement to be filed no later than 14 days before the scheduled hearing, any oral argument, and any such further evidence that the Court may consider in hearing this motion.

The parties have exhausted meet and confer efforts. Counsel has met and conferred multiple times via Zoom. Plaintiff has also corresponded via letter and long-form emails to the

Entity Defendants' counsel with no written response. Plaintiff met and conferred with the Entity Defendants again regarding this Motion on September 5, 2023 during which the parties could not come to an agreement regarding the Entity Defendants' compliance with the Requests. The parties thus remain at an impasse as to the Requests, and Plaintiff must file the present motion to vindicate his right to discovery in this action.

Dated: September 8, 2023

SIMPSON THACHER & BARTLETT LLP

By: /s/ Harrison J. Frahn IV
HARRISON J. FRAHN IV

SIMPSON THACHER & BARTLETT LLP
HARRISON J. FRAHN IV (SBN 206822)
HILARY SOLOFF (SBN 314727)
RYAN SNYDER (SBN 334846)
ANNA VEROSS (SBN 342296)
2475 Hanover Street
Palo Alto, California 94304

NORTHERN CALIFORNIA INNOCENCE
PROJECT
KARYN SINUNU-TOWERY (SBN 121068)
500 El Camino Real
Charney Hall, Suite 108
Santa Clara, California 95053

Attorneys for Jeremy Phillip Puckett

APPENDIX A

Requests to All Entity Defendants with Common Numbering and Common Language Across All Entity Defendants:

- **Request No. 5:** All Documents and Communications concerning or related to the Dvorsky Investigation.
- **Request No. 6:** All Documents and Communications concerning or related to the Galati Investigation.
- **Request No. 7:** All Documents and Communications concerning or related to Plaintiff, including but not limited to Documents and Communications concerning or related to (i) the investigation of Plaintiff in connection with the Galati Investigation, (ii) the prosecution of Plaintiff for the robbery and murder of Anthony Galati, (iii) Plaintiff's conviction for the robbery and murder of Anthony Galati, (iv) Plaintiff's Habeas Petitions, and (v) any potential lawsuit by Plaintiff against any Person or entity.
- **Request No. 8:** All Documents concerning or related to James "Jaymo" Reeves that existed or contain information that existed on or before January 1, 2003.
- **Request No. 9:** All Documents concerning or related to Angela Dvorsky that existed or contain information that existed on or before January 1, 2003.
- **Request No. 10:** All Documents concerning or related to Israel Sept that existed or contain information that existed on or before January 1, 2003.
- **Request No. 11:** All Documents concerning or related to Patty Scott-Bostic that existed or contain information that existed on or before January 1, 2003.
- **Request No. 12:** All Documents concerning or related to Larry Middlebrooks that existed or contain information that existed on or before January 1, 2003.
- **Request No. 13:** All Documents concerning or related to William Van Hill that existed or contain information that existed on or before January 1, 2003.
- **Request No. 14:** All Communications concerning or related to James "Jaymo" Reeves, Angela Dvorsky, Israel Sept, Larry Middlebrooks, William Van Hill, or Patty Scott-Bostic.
- **Request No. 17:** All Documents and Communications concerning or related to the inclusion or potential inclusion of Defendant Minter, Defendant Gregersen, Defendant Bayles, Defendant Bell, Defendant Maulsby, or Stan Reed, or any act taken by the foregoing Persons, in a list, record, or database of information bearing on law enforcement officer credibility, sometimes referred to as a "Brady List."
- **Request No. 18:** All Documents and Communications concerning or related to any actual, potential, or alleged Brady Violations by You or any of Your employees, agents, and/or contractors between January 1, 1990 and December 31, 2005.

Requests to Defendant Sacramento Sheriff's Office with Unique Numbering or Language

- **Sheriff's Office Request No. 15:** All Documents and Communications concerning or related to any personnel records for Defendant Minter, Defendant Gregersen, Defendant Bayles, Defendant Bell, Defendant Maulsby, or Stan Reed, including any records of disciplinary actions or investigations, regardless of whether such discipline or investigation was imposed or conducted by You or any other department, agency, or organization that operates as part of Sacramento County.
- **Sheriff's Office Request No. 16:** All Documents and Communications concerning or related to any actual or potential discipline, whether formal or informal and including actual or potential oral counseling, that was considered against Defendant Minter, Defendant Gregersen, Defendant Bayles, Defendant Bell, Defendant Maulsby, or Stan Reed, irrespective of whether such discipline was ultimately imposed.
- **Sheriff's Office Request No. 19:** All Documents and Communications concerning or related to any actual, potential, or alleged Brady Violation by the Sacramento District Attorney's Office and/or any Sacramento District Attorney's Office employee, agent, and/or contractor between January 1, 1990 and December 31, 2005.
- **Sheriff's Office Request No. 20:** All Documents and Communications concerning any decision to discipline, hold responsible, or refrain from disciplining and/or holding responsible any of Your employees, agents, and/or contractors for any Brady Violation that occurred between January 1, 1990 and December 31, 2005.
- **Sheriff's Office Request No. 23:** All Documents and Communications concerning or related to Your policies, procedures, or customary practices, in effect or existence between January 1, 1990 and December 31, 2005, that concern or relate to (i) Exculpatory Evidence, (ii) Exculpatory Evidence disclosure, (iii) Exculpatory Evidence suppression, (iv) evidence preservation and destruction, (v) obligations stemming from *Brady v Maryland*, 373 U.S. 83 (1963), and its progeny, and/or (vi) Brady Violations.
- **Sheriff's Office Request No. 24:** All Documents and Communications concerning or related to Your policies, procedures, or customary practices, in effect or existence between January 1, 1990 and December 31, 2005, that concern or relate to decisions to discipline, hold responsible, or refrain from disciplining and/or holding responsible any employee, agent, and/or contractor for any Brady Violation.
- **Sheriff's Office Request No. 25:** All Documents and Communications concerning or related to Your policies, procedures, or customary practices, in effect or existence between January 1, 1990 and December 31, 2005, that concern or relate to tracking, monitoring, or recording actual, potential, or alleged Brady Violations.
- **Sheriff's Office Request No. 26:** All Documents and Communications concerning or related to Your policies, procedures, or customary practices, in effect or existence between January 1, 1990 and December 31, 2005, that concern or relate to decisions to discipline, hold responsible, or refrain from disciplining and/or holding responsible any employee, agent, and/or contractor for any constitutional or civil rights violations.

- 1 • **Sheriff's Office Request No. 27:** All Documents and Communications concerning or
2 related to Your policies, procedures, or customary practices, in effect or existence between
3 January 1, 1990 and December 31, 2005, that concern or relate to tracking, monitoring, or
4 recording any actual, potential, or alleged constitutional or civil rights violations.
- 5 • **Sheriff's Office Request No. 29:** All Documents provided or caused to be provided by
6 You, or any of Your employees, agents, and/or contractors, to Defendant Durenberger or
7 any other employee, contractor, and/or agent of the Sacramento District Attorney's Office
8 in connection with (i) the Galati Investigation, (ii) the Dvorsky Investigation, or (iii) the
9 prosecution of Plaintiff for the robbery and murder of Anthony Galati.
- 10 • **Sheriff's Office Request No. 30:** All Documents provided or caused to be provided by
11 You, or any of Your employees, agents, and/or contractors, to Plaintiff and/or his legal
12 representatives prior to his sentencing on March 14, 2002 for the robbery and murder of
13 Anthony Galati.

14 Requests to Defendant Sacramento County District Attorney's Office with Unique Numbering or
15 Language

- 16 • **District Attorney's Office Request No. 15:** All Documents and Communications
17 concerning or related to any personnel records for Defendant Durenberger, including any
18 records of disciplinary actions or investigations, regardless of whether such discipline or
19 investigation was imposed or conducted by You or any other department, agency, or
20 organization that operates as part of Sacramento County.
- 21 • **District Attorney's Office Request No. 16:** All Documents and Communications
22 concerning or related to any actual or potential discipline, whether formal or informal and
23 including actual or potential oral counseling, that was considered against Defendant
24 Durenberger, irrespective of whether such discipline was ultimately imposed.
- 25 • **District Attorney's Office Request No. 19:** All Documents and Communications
26 concerning or related to any actual, potential, or alleged Brady Violation by the
27 Sacramento Sheriff's Office and/or any Sacramento Sheriff's Office employee, agent,
28 and/or contractor between January 1, 1990 and December 31, 2005.
- **District Attorney's Office Request No. 20:** All Documents and Communications
concerning or related to any actual, potential, or alleged Brady Violation by Sacramento
County and/or any Sacramento County employee, agent, and/or contractor between
January 1, 1990 and December 31, 2005.
- **District Attorney's Office Request No. 21:** All Documents and Communications
concerning any decision to discipline, hold responsible, or refrain from disciplining and/or
holding responsible any of Your employees, agents, and/or contractors for any Brady
Violation that occurred between January 1, 1990 and December 31, 2005.
- **District Attorney's Office Request No. 24:** All Documents and Communications
concerning or related to Your policies, procedures, or customary practices, in effect or
existence between January 1, 1990 and December 31, 2005, that concern or relate to (i)

Exculpatory Evidence, (ii) Exculpatory Evidence disclosure, (iii) Exculpatory Evidence suppression, (iv) evidence preservation and destruction, (v) obligations stemming from *Brady v Maryland*, 373 U.S. 83 (1963), and its progeny, and/or (vi) Brady Violations.

- **District Attorney's Office Request No. 25:** All Documents and Communications concerning or related to Your policies, procedures, or customary practices, in effect or existence between January 1, 1990 and December 31, 2005, that concern or relate to decisions to discipline, hold responsible, or refrain from disciplining and/or holding responsible any employee, agent, and/or contractor for any Brady Violation.
- **District Attorney's Office Request No. 26:** All Documents and Communications concerning or related to Your policies, procedures, or customary practices, in effect or existence between January 1, 1990 and December 31, 2005, that concern or relate to tracking, monitoring, or recording actual, potential, or alleged Brady Violations.
- **District Attorney's Office Request No. 27:** All Documents and Communications concerning or related to Your policies, procedures, or customary practices, in effect or existence between January 1, 1990 and December 31, 2005, that concern or relate to decisions to discipline, hold responsible, or refrain from disciplining and/or holding responsible any employee, agent, and/or contractor for any constitutional or civil rights violations.
- **District Attorney's Office Request No. 28:** All Documents and Communications concerning or related to Your policies, procedures, or customary practices, in effect or existence between January 1, 1990 and December 31, 2005, that concern or relate to tracking, monitoring, or recording any actual, potential, or alleged constitutional or civil rights violations.
- **District Attorney's Office Request No. 30:** All Documents provided or caused to be provided by You, or any of Your employees, agents, and/or contractors, to Plaintiff and/or his legal representatives prior to his sentencing on March 14, 2002 for the robbery and murder of Anthony Galati.
- **District Attorney's Office Request No. 31:** All Communications between You or any of Your employees, agents, and/or contractors, and Mr. Puckett's legal counsel prior to his sentencing on March 14, 2002 for the robbery and murder of Anthony Galati.

Requests to Defendant County of Sacramento with Unique Numbering

- **Sacramento County Request No. 15:** All Documents and Communications concerning or related to any personnel records for Defendant Minter, Defendant Durenberger, Gregersen, Defendant Bayles, Defendant Bell, Defendant Maulsby, or Stan Reed, including any records of disciplinary actions or investigations, regardless of whether such discipline or investigation was imposed or conducted by You or any other department, agency, or organization that operates as part of Sacramento County.
- **Sacramento County Request No. 16:** All Documents and Communications concerning or related to any actual or potential discipline, whether formal or informal and including

1 actual or potential oral counseling, that was considered against Defendant Durenberger,
2 Minter, Defendant Gregersen, Defendant Bayles, Defendant Bell, Defendant Maulsby, or
3 Stan Reed, irrespective of whether such discipline was ultimately imposed.

- 4 • **Sacramento County Request No. 19:** All Documents and Communications concerning or
5 related to any actual, potential, or alleged Brady Violation by the Sacramento Sheriff's
6 Office and/or any Sacramento Sheriff's Office employee, agent, and/or contractor between
7 January 1, 1990 and December 31, 2005.
- 8 • **Sacramento County Request No. 20:** All Documents and Communications concerning or
9 related to any actual, potential, or alleged Brady Violation by the Sacramento District
10 Attorney's Office and/or any Sacramento District Attorney's Office employee, agent,
11 and/or contractor between January 1, 1990 and December 31, 2005.
- 12 • **Sacramento County Request No. 21:** All Documents and Communications concerning
13 any decision to discipline, hold responsible, or refrain from disciplining and/or holding
14 responsible any of Your employees, agents, and/or contractors for any Brady Violation that
15 occurred between January 1, 1990 and December 31, 2005.
- 16 • **Sacramento County Request No. 24:** All Documents and Communications concerning or
17 related to Your policies, procedures, or customary practices, in effect or existence between
18 January 1, 1990 and December 31, 2005, that concern or relate to (i) Exculpatory
19 Evidence, (ii) Exculpatory Evidence disclosure, (iii) Exculpatory Evidence suppression,
20 (iv) evidence preservation and destruction, (v) obligations stemming from *Brady v*
21 *Maryland*, 373 U.S. 83 (1963), and its progeny, and/or (vi) Brady Violations.
- 22 • **Sacramento County Request No. 25:** All Documents and Communications concerning or
23 related to Your policies, procedures, or customary practices, in effect or existence between
24 January 1, 1990 and December 31, 2005, that concern or relate to decisions to discipline,
25 hold responsible, or refrain from disciplining and/or holding responsible any employee,
26 agent, and/or contractor for any Brady Violation.
- 27 • **Sacramento County Request No. 26:** All Documents and Communications concerning or
28 related to Your policies, procedures, or customary practices, in effect or existence between
January 1, 1990 and December 31, 2005, that concern or relate to tracking, monitoring, or
recording actual, potential, or alleged Brady Violations.
- **Sacramento County Request No. 27:** All Documents and Communications concerning or
related to Your policies, procedures, or customary practices, in effect or existence between
January 1, 1990 and December 31, 2005, that concern or relate to decisions to discipline,
hold responsible, or refrain from disciplining and/or holding responsible any employee,
agent, and/or contractor for any constitutional or civil rights violations.
- **Sacramento County Request No. 28:** All Documents and Communications concerning or
related to Your policies, procedures, or customary practices, in effect or existence between
January 1, 1990 and December 31, 2005, that concern or relate to tracking, monitoring, or
recording any actual, potential, or alleged constitutional or civil rights violations.

- 1 • **Sacramento County Request No. 29:** All Documents and Communications concerning or
2 related to Your receipt, consideration, analysis of, and/or response to Sacramento County
Public Record Request 21-1274.
- 3 • **Sacramento County Request No. 30:** All Documents and Communications concerning or
4 related to the Spreadsheet provided to Plaintiff's Counsel in response to the Sacramento
County Public Record Request 21-1274, and attached as Exhibit C to the Complaint,
5 including but not limited to Documents and Communications concerning or related to (i)
6 the sources of the information contained in the Spreadsheet, (ii) the means through which
the Spreadsheet was created, (iii) the meaning of any terms appearing in the Spreadsheet,
7 and (iv) categorization of the claims included in the Spreadsheet.